



DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-053]

Certain Aluminum Foil from People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2021-2022

AGENCY: Enforcement and Compliance, International Trade Administration, Department of
Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain
companies under review sold certain aluminum foil (aluminum foil) from the People's Republic
of China (China) at less than normal value during the period of review (POR) April 1, 2021,
through March 31, 2022.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney, AD/CVD Operations,
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4475.

SUPPLEMENTARY INFORMATION:

Background

On May 5, 2023, Commerce published the *Preliminary Results* and invited interested
parties to comment.¹ On August 28, 2023, we extended the deadline for these final results until
November 1, 2023.² For a full summary of the events that occurred since Commerce published

¹ See *Certain Aluminum Foil from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Antidumping Administrative Review, and Preliminary Determination of No Shipments; 2021-2022*, 88 FR 29092 (May 5, 2023) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, "Extension of Deadline for Final Results of 2021-2022 Antidumping Duty Administrative Review," dated August 28, 2023.

the *Preliminary Results*, see the Issues and Decision Memorandum.³ Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order⁴

The merchandise covered by the *Order* is certain aluminum foil from China. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum and are listed in the appendix to this notice.⁵ The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be found at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes from the *Preliminary Results*

Based on our analysis of the comments received from interested parties, we made certain changes to the margin calculations for Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd.; Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited (Dingsheng Aluminium Industries (Hong Kong) Trading Co., Ltd.); Hangzhou Dingsheng Import & Export Co., Ltd. (Hangzhou Dingsheng Import and Export Co., Ltd.); Hangzhou Five Star Aluminium Co., Ltd.; Hangzhou Teemful Aluminium Co., Ltd.; Inner Mongolia Liansheng New Energy Material Co.,

³ See Memorandum, "Issues and Decision Memorandum for the Final Results of the 2021-2022 Antidumping Duty Administrative Review of Certain Aluminum Foil from the People's Republic of China;" dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See *Certain Aluminum Foil from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 83 FR 17362 (April 19, 2018) (*Order*).

⁵ See appendix.

Ltd.; and Inner Mongolia Xinxing New Energy Material Co., Ltd. (collectively, Dingsheng).⁶

For a discussion of these changes, *see* the Issues and Decision Memorandum.

Final Determination of No Shipments

In the *Preliminary Results*, we preliminarily determined that Shanghai Shenyang Packaging Materials Joint-Stock Co., Ltd. (Shanghai Shenyang) had no shipments of subject merchandise during the POR. We received no information to contradict this determination.⁷ Therefore, we continue to find that Shanghai Shenyang had no shipments of subject merchandise during the POR and will issue appropriate liquidation instructions that are consistent with our “automatic assessment” clarification for these final results.⁸

Separate Rates

In the *Preliminary Results*, we determined that the Dingsheng single entity⁹ was eligible for a separate rate, and that Shanghai Huaifon Aluminum Corporation (Shanghai Huaifon) is ineligible for a separate rate because it did not file a response to our antidumping duty questionnaire.¹⁰ No interested parties submitted comments on Commerce’s preliminary separate-rate determinations. For these final results, we continue to determine that the Dingsheng single entity is eligible for a separate rate, and that Shanghai Huaifon is ineligible for a separate rate.

The China-Wide Entity

⁶ In the *Preliminary Results* we inadvertently omitted identifying Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd. as part of the Dingsheng entity, which we have corrected for these final results. *See Preliminary Results*, 88 FR at 29092-93.

⁷ *Id.*, 88 FR at 29093.

⁸ *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (*Assessment Practice Refinement*).

⁹ Consistent with a prior segment of this proceeding, we have continued to find that Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd.; Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited (Dingsheng Aluminium Industries (Hong Kong) Trading Co., Ltd.); Hangzhou Dingsheng Import&Export Co., Ltd. (Hangzhou Dingsheng Import and Export Co., Ltd.); Hangzhou Five Star Aluminium Co., Ltd.; Hangzhou Teemful Aluminium Co., Ltd.; Inner Mongolia Liansheng New Energy Material Co.; and Inner Mongolia Xinxing New Energy Material Co., Ltd. are affiliated entities, pursuant to sections 771(33)(E), (F), and (G) of the Act, and that they should be treated as a single entity pursuant to 19 CFR 351.401(f)(1)-(2). *See Antidumping Duty Investigation of Certain Aluminum Foil from the People’s Republic of China: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination and Accompanying Preliminary Decision Memorandum*, 82 FR 50858 (November 2, 2017), and accompanying PDM at 16-18, unchanged in *Certain Aluminum Foil from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value*, 83 FR 9282 (March 5, 2018).

¹⁰ *See Preliminary Results*, 88 FR at 29093; *see also Preliminary Results* PDM at 6-9.

In accordance with Commerce's policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the China-wide entity.¹¹ Because no party requested a review of the China-wide entity, and Commerce did not self-initiate a review of the entity, the China-wide entity is not under review, and the weighted-average dumping margin for the China-wide entity (*i.e.*, 105.80 percent) is not subject to change.¹² Because Shanghai Huaфон did not demonstrate its eligibility for a separate rate, we determine Shanghai Huaфон to be part of the China-wide entity.

Final Results of Administrative Review

We determine that the following estimated weighted-average dumping margins exist for the period April 1, 2021, through March 31, 2022:

Exporter	Weighted-Average Dumping Margin (percent)
Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd.; Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited (Dingsheng Aluminium Industries (Hong Kong) Trading Co., Ltd.) / Hangzhou Dingsheng Import & Export Co., Ltd. (Hangzhou Dingsheng Import and Export Co., Ltd.) / Hangzhou Five Star Aluminium Co., Ltd. / Hangzhou Teemful Aluminium Co., Ltd. / Inner Mongolia Liansheng New Energy Material Co., Ltd. / Inner Mongolia Xinxing New Energy Material Co., Ltd	32.81

Disclosure

Pursuant to 19 CFR 351.224(b), we intend to disclose to parties in this proceeding the calculations performed for Dingsheng within five days of the publication of this notice in the *Federal Register*.

Assessment Rates

Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in this review, in accordance with section

¹¹ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963, 65969-70 (November 4, 2013).

¹² See *Order*, 84 FR at 2814.

751(a)(2)(C) of the Act and 19 CFR 351.212(b). We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Where Dingsheng reported reliable entered values, we calculated importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).¹³ Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.¹⁴ Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis* (*i.e.*, 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.¹⁵ Where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.¹⁶

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for subject merchandise exported by the companies listed above that have separate rates, the cash deposit rate will be the rate established in these final results of

¹³ See 19 CFR 351.212(b)(1).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ See 19 CFR 351.106(c)(2).

review for each exporter as listed above; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter.

These deposit requirements, when imposed, shall remain in effect until further notice.

Reimbursement of Duties

This notice also serves as the final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to

govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

These final results of review are issued and published in accordance with sections 751(a) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: November 1, 2023.

Lisa W. Wang,
Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Changes to the *Preliminary Results*
- V. Discussion of the Issues
 - Comment 1: Selection of Surrogate Country
 - Comment 2: Surrogate Financial Ratios
 - Comment 3: Double Remedies Adjustment
 - Comment 4: Differential Pricing
- VI. Recommendation

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